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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/685,475	10/16/2003	Henry Tsang	16601-2US	5443

20988 7590 05/19/2004
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EXAMINER

MILLER, BENA B

ART UNIT	PAPER NUMBER
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3712

DATE MAILED: 05/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/685,475	Applicant(s) TSANG, HENRY	
	Examiner Bena Miller	Art Unit 3712	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4, 6-11, 13-17 and 19-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maxim (US Patent # 4,547,169) in view of Maxim (US Patent #4,476,648).

Regarding Maxim ('169) teaches in the figures most of the elements of the claimed invention except for the response being dependent on the order in which each of the probe pairs are activated. Maxim ('648) teaches in figures a toy vehicle that actuated by liquid wherein the float of the liquid will actuate a switch to turn on the motor (Abstract, lines 1-10). Maxim ('648) further teaches that water is introduced in the reservoir whereas the projection of the water will cause a diaphragm 54 to press terminal 62a of contact leaf 62 against terminal 64a of contact leaf 64 (col. 3, par. 7- col. 4, line 3). This will cause a proper electrical coupling thereby creating a closed circuit between the motor and battery, causing power to be supplied to the motor (col. 4, par. 1). The examiner takes the position that the response, i.e. the power to the motor of Maxim ('648), is dependent on the order of terminal 62a of contact leaf 62 and terminal 64a of contact leaf 64 as described above. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have the at

least one pre-determined response of the device of Maxim ('169) to be dependent on the order in which each of the probe pairs is activated as taught by Maxim ('648) for the purpose producing a specific response in reference to the device.

Claims 5 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maxim (US Patent # 4,547,169) in view of Maxim (US Patent #4,476,648) as applied to claims 1, 7, 13 and 20 above, and further in view of Rodgers.

Maxim ('169) and Maxim ('648) teaches in the figures most of the elements of the claimed invention except for a light emitter. Rodgers teaches in the figures a bathtub toy that has motion responsive switch 10 connected probes 11 and 13 so when the toy is in water the switch is closed causing an output of sound or light (col. 1, lines 60 – col. 2, line 3 and col. 2, line 35). It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate a light emitter as taught by Rodgers to the device of Maxim ('169) and Maxim ('648) for the purpose of continuously or intermittently the light in intervals to provide amusement to the device.

Claims 1-4, 7-17 and 20-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maddocks or Wolf in view of Maxim (US Patent #4,476,648).

Regarding Maddocks and Wolf teaches in the figures most of the elements of the claimed invention except for the response being dependent on the order in which each of the probe pairs are activated. Maxim ('648) teaches in figures a toy vehicle that actuated by liquid wherein the float of the liquid will actuate a switch to turn on the motor (Abstract, lines 1-10). Maxim ('648) further teaches that water is introduced in the reservoir whereas the projection of the water will cause a diaphragm 54 to press

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terminal 62a of contact leaf 62 against terminal 64a of contact leaf 64 (col. 3, par. 7- col. 4, line 3). This will cause a proper electrical coupling thereby creating a closed circuit between the motor and battery, causing power to be supplied to the motor (col. 4, par. 1). The examiner takes the position that the response, i.e. the power to the motor of Maxim ('648), is dependent on the order of terminal 62a of contact leaf 62 and terminal 64a of contact leaf 64 as described above. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have the at least one pre-determined response of the device of Maddocks or Wolf to be dependent on the order in which each of the probe pairs is activated as taught by Maxim ('648) for the purpose producing a specific response in reference to the device.

Claims 5 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maddocks or Wolf in view of Maxim (US Patent #4,476,648) as applied to claims 1, 7, 13 and 20 above, and further in view of Rodgers.

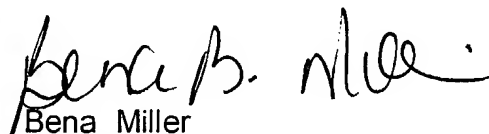
Maddocks and Wolf teaches in the figures most of the elements of the claimed invention except for a light emitter. Rodgers teaches in the figures a bathtub toy that has motion responsive switch 10 connected probes 11 and 13 so when the toy is in water the switch is closed causing an output of sound or light (col. 1, lines 60 – col. 2, line 3 and col. 2, line 35). It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate a light emitter as taught by Rodgers to the device of Maddocks or Wolf for the purpose of continuously or intermittently the light in intervals to provide amusement to the device.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kardon teaches a wetting doll with electrical sounding alarm. Truchsess teaches a toy figures. Lipsitz et al teaches a sounding-producing toy. Vairo teaches a doll with ingestion system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bena Miller whose telephone number is 703.305.0643. The examiner can normally be reached on Monday-Friday.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Bena Miller
Examiner
Art Unit 3712

bbm
May 15, 2004